IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL
ORIGINAL JURISDICTION

Dated: Nainital: the 24th day of October 2005

Bail application No. 989 of 2005

Order on the bail application of accused

CRIMINAL SIDE

Ram Rahis Yavad S/o Sri Nanhe Yadav
R/o Bhadaipura
Thana Rudrapur
District Udham Singh Nagar .....Applicant

Versus

State of Uttaranchal ... Opposite Party

Arising out of Case Crime No. 2380 of 2005
Under Sections 498-A, 304-B I.P.C. and
Section 3/4 D.P. Act
P.S. Rudarpur,
District Udham Singh Nagar

By the Court

Hon'ble B.C. Kandpal, J.

The applicant has applied for bail in the case crime No. 2380 of 2005 under Sections 498-A, 304-B I.P.C. and 3/4 D.P. Act, P.S. Rudrapur, District Udham Singh Nagar.

Heard Sri S.K. Mandal, learned counsel for the applicant, learned A.G.A. and perused the record.

The main allegation against the applicant is that he is the husband of the deceased and used to subjected cruelty upon her. On account of cruelty, committed upon the deceased, she had come to her parents house. As per the prosecution case, it further reveals that on the date of the occurrence, the applicant came to the house of the deceased and strangulated her due to which she succumbed to injuries. The eyewitness Smt. Sahana, Surajpal and Raju is available in the case dairy and as per the statement of these witnesses they had seen the accused coming out of the room of the deceased and when these witnesses entered inside the room they saw the deceased, Smt. Rajo lying dead on the bed.

The cause of death of the deceased is due to asphyxia and strangulation.

At the stage, I do not find any ground to release the application on bail. The application is accordingly rejected.

Learned counsel for the applicant has submitted that the chargesheet has been submitted by the trial court but the trial has not yet commenced. Therefore, I direct that the trial of the applicant be decided expeditiously. However, the observations made by me at the time of disposal of the bail application will not be taken into account during the course of the trial.

(B.C. Kandpal, J.)

Dt. 29.10.2005